



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION FOR THE  
**IVANPAH SOLAR ELECTRIC  
GENERATING SYSTEM**

DOCKET No. 07-AFC-5

**NOTICE OF PREHEARING CONFERENCES  
AND EVIDENTIARY HEARING**

**PLEASE TAKE NOTICE** that, the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **IVANPAH SOLAR ELECTRIC GENERATING SYSTEM (ISEGS) PROJECT** has scheduled Prehearing Conferences and an Evidentiary Hearing as follows:

The Initial Prehearing Conference will be conducted on:

**Wednesday, November 18, 2009  
Beginning at 1 p.m.  
California Energy Commission  
Hearing Room B  
1516 Ninth Street  
Sacramento, CA 95814**

**TELECONFERENCE OPTION:** The following toll-free phone number will be available on November 18, 2009, at 1 p.m. for callers to participate in the hearing:

**Call: 1-888-324-9428  
Use Passcode: "Ivanpah"  
Conference Leader: "Paul Kramer"**

**A Second Prehearing Conference will be conducted on:**

**Thursday, December 10, 2009  
Beginning at 9 a.m.  
California Energy Commission  
Hearing Room A  
1516 Ninth Street  
Sacramento, CA 95814**

***TELECONFERENCE OPTION:*** The following toll-free phone number will be available on December 10, 2009, at 9 a.m. for callers to participate in the hearing:

**Call: 1-888-324-9428  
Use Passcode: "Ivanpah"  
Conference Leader: "Paul Kramer"**

**The Evidentiary Hearing will be conducted on:**

**Monday, December 14, 2009  
Beginning at 9 a.m.  
California Energy Commission  
Hearing Room A  
1516 Ninth Street  
Sacramento, CA 95814**

**and, if needed, on:**

**Tuesday, December 15, 2009  
Beginning at 9 a.m.  
California Energy Commission  
Hearing Room B  
1516 Ninth Street  
Sacramento, CA 95814**

***TELECONFERENCE OPTION:*** The following toll-free phone number will be available on December 14 and 15, 2009 at 9 a.m. for callers to participate in the hearing:

**Call: 1-888-324-9428  
Use Passcode: "Ivanpah"  
Conference Leader: "Paul Kramer"**

**PLEASE TAKE NOTICE** that the Committee has established the following filing schedule:

<b>ITEM</b>	<b>DATE</b>
Staff publishes Final Staff Assessment/Draft Environmental Impact Statement (FSA/DEIS)	Wednesday, November 4, 2009
Applicant's opening testimony filed and served	Monday, November 16, 2009
Parties file preliminary Prehearing Conference Statements	Monday, November 16, 2009
Last day to file Petitions to Intervene	Wednesday, November 18, 2009
Initial Prehearing Conference	Wednesday, November 18, 2009
Staff and Intervenor file and serve opening testimony (other than FSA/DEIS)	Wednesday, December 2, 2009
Parties file final Prehearing Conference Statements	Tuesday, December 8, 2009
All parties file rebuttal testimony	Wednesday, December 9, 2009
Second Prehearing Conference	Thursday, December 10, 2009
Evidentiary Hearings	Monday and Tuesday, December 14 and 15, 2009; Monday and Tuesday, January 11 and 12, 2010 (if necessary)

### **Purpose of Prehearing Conferences**

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for an evidentiary hearing, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the certification process. (Cal. Code Regs., tit. 20, § 1718.5.)

At the Prehearing Conferences, all parties (Staff, Applicant, and Intervenor) shall present their respective positions regarding: the substantive topic areas ready for evidentiary hearing; those topics that require further analysis, including the nature of, and time frame for, any such analysis; the topic areas that have been resolved; and the topic areas that are disputed and require adjudication. The parties shall also identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

We invite BLM representatives to attend the Prehearing Conferences to facilitate coordination of BLM's process with this AFC process.

Local, state, and federal governmental agencies may participate at the Prehearing Conferences and Evidentiary Hearing, as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at

these events and/or submit written comments to the Energy Commission's Docket Unit. Please include "Docket No. 07-AFC-5" on any written comments.

### **Preliminary and Final Prehearing Conference Statements**

To facilitate the process, each party shall serve and file **Prehearing Conference Statements**. A **preliminary** statement, containing as much of the information described below that is available to the party at the time of filing, shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, by **4 p.m. on November 16, 2009**. A **final** statement containing all of the information described below shall be received by the other parties and the Commission's Docket Unit by **4 p.m. on December 8, 2009**. The parties shall e-mail their statements to the Hearing Officer as well as to the Docket Unit and the parties as indicated on the Proof-of-Service list.

Each statement shall specify:

1. The topic areas that are complete and ready to proceed to evidentiary hearing;
2. The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor;
3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
4. The identity of each witness sponsored by each party (**note**: expert witnesses must have professional expertise in the scope of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness;
5. Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of such cross-examination, and the time desired for such cross-examination;
6. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (**see** following *section* on format);
7. Proposals for briefing deadlines, vacation schedules, and other scheduling matters;

8. For all topics, the parties shall review the Proposed Conditions of Certification listed in the Final Staff Assessment (FSA) for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.
9. **For the preliminary statement only, for discussion at the November 18 Prehearing Conference:**
  - a) **any comments the party wishes to make about this schedule, including any alternative schedule proposals; and**
  - b) **updated information about the remaining steps in the BLM process, including a projected timetable, to assist the Committee in coordinating this AFC process with BLM's process.**

### **Format for Presenting Evidence**

The parties shall provide written testimonial and documentary evidence in two formats.

1. Each document shall be numbered and identified on an **Exhibit List**.

Applicant's exhibits shall be numbered consecutively as Exhibits 1 through 299. Staff's exhibits shall be numbered consecutively as Exhibits 300 through 399. Intervenor CURE's exhibits shall be numbered consecutively as Exhibits 400 through 499.

Intervenor Western Watersheds Project's exhibits shall be numbered consecutively as Exhibits 500 through 599.

Intervenor Sierra Club's exhibits shall be numbered consecutively as Exhibits 600 through 699.

Intervenor Defenders of Wildlife's exhibits shall be numbered consecutively as Exhibits 700 through 799.

Intervenor Basin and Range Watch's exhibits shall be numbered consecutively as Exhibits 800 through 899.

Intervenor Center for Biological Diversity's exhibits shall be numbered consecutively as Exhibits 900 through 999.

Intervenor California Native Plant Society's exhibits shall be numbered consecutively as Exhibits 1000 through 1099.

***Printed copies of the Exhibits shall be provided to the Committee and other parties no later than 4 p.m. on the dates set forth in the filing schedule table, above.***

2. To facilitate the Committee's efficient organization and review of the Project, printed copies of the exhibits for each topic area shall **also** be compiled in separate file folders designated by topic with the appropriate Exhibit Number attached to each

document. This compilation shall include all opening and rebuttal testimony filed by the party and shall be provided to the Hearing Officer no later than December 9, 2009.

### **Petitions to Intervene to Become a Formal Party**

The Energy Commission's Decision on the Ivanpah Solar Electric Generating System Project (ISEGS) will be based on the official evidentiary record developed at the Evidentiary Hearing. Only formal parties (Applicant, Staff, and Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing. Public comment may not, by itself, support a finding or conclusion in the Decision but it can supplement formal written or oral testimony.

Anyone with an appropriate interest in the ISEGS may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, a formal party may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with Committee orders, procedures, and filing requirements, and is subject to discovery and having its own witnesses cross-examined by other parties.

The deadline to file a Petition to Intervene in this case is **Wednesday, November 18, 2009**. Petitions filed after that date and time extensions for new Intervenors to review case materials will be granted only upon a showing of extraordinary good cause.

### **How to Intervene**

The Energy Commission's Public Adviser's office will assist any person or organization interested in preparing a Petition to Intervene. For assistance in this process, contact the Public Adviser's office at 916-654-4489 or 800-822-6228 or e-mail: **[[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)]**.

### **Public Participation and Public Adviser**

Members of the public are welcome to attend and offer comments at the Prehearing Conference and the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process.

We encourage the public to submit comments prior to or during the Evidentiary Hearings but will accept comments made following the Evidentiary Hearings until the close of BLM's 90-day comment period. (We are informed that BLM will publish notice of the FSA/DEIS' availability on November 13, 2009; please refer to that notice to verify the deadline for filing comments.) Comments made after the Evidentiary Hearings may be discussed in the Presiding Member's Proposed Decision or treated and discussed as comments on the PMPD, in the Committee's discretion. Comments made to BLM or the Energy Commission will be shared with the other agency.

The Energy Commission Public Adviser's Office is available to assist the public in participating in the application review process. For those individuals who require general information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or 1-800-822-6228 or e-mail: **[publicadviser@energy.state.ca.us]**. If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at 916-654-5146 or e-mail: **[lquiroz@energy.state.ca.us]**.

## **Information**

Questions of a legal or procedural nature should be directed to Paul Kramer, the Hearing Officer, at (916) 654-5103 or e-mail: **[pkramer@energy.state.ca.us]**.

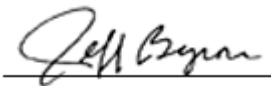
Technical questions concerning the project should be addressed to John Kessler, the Staff Project Manager, at (916) 654-4679, or e-mail at: **[jkessler@energy.state.ca.us]**.

Technical questions concerning the BLM permitting process should be addressed to Tom Hurshman, Project Manager at (970)240-5345, or e-mail: **[tom\_hurshman@blm.gov]**.

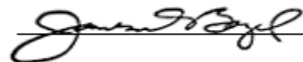
Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail at: **[mediaoffice@energy.state.ca.us]**.

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: **[www.energy.ca.gov/sitingcases/ivanpah/]**.

Dated: November 5, 2009, at Sacramento, California.



JEFFREY D. BYRON  
Commissioner and Presiding Member  
Ivanpah AFC Committee



JAMES D. BOYD  
Vice Chair and Associate Member  
Ivanpah AFC Committee

*Mailed to Lists: POS 7255, 7256, 7257, 7258*